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10 SAN FRANCISCO COMMUNITY COLLEGE DISTRICT, et al.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESTORIA CHERRY, et al.,

Plaintiffs,

vs.

SAN FRANCISCO COMMUNITY
COLLEGE DISTRICT ("SFCCD" or "CITY
COLLEGE"), et al.,

Defendants.

No. C 04-4981 WHA

CLASS ACTION

**~~[PROPOSED]~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
STIPULATED JUDGMENT, DIRECTING NOTICE
TO THE CLASS OF SETTLEMENT, AND
SETTING FAIRNESS HEARING**

Date: February 15, 2006

Time: 7:30 a.m.

Place: Courtroom 9

On February 13 and 14, 2006, this Court heard the parties' joint motion for preliminary approval of the proposed Stipulated Judgment and Order in the above-captioned matter. Having considered the parties' submissions made in connection with that motion, having heard the argument of counsel, and having proposed revisions that have been incorporated by the parties into the language of the proposed Stipulated

1 Judgment and Order, the Court hereby **GRANTS** preliminary approval to the proposed
2 Stipulated Judgment.

3 The Court has made a preliminary finding that the proposed Stipulated Judgment is
4 fair and equitable, and falls within the range of possible approval such that notice should
5 be given to the class of this proposed settlement and a fairness hearing should be set. By
6 Order dated June 15, 2005, this Court certified the following class of persons pursuant to
7 Federal Rule of Civil Procedure 23(b)(2) for declaratory and injunctive relief only:

8 All students disabled by mobility impairments enrolled at City College of San
9 Francisco since November 23, 2001, and who seek access to its services,
10 programs and/or activities.

11 At a hearing on February 15, 2006, the Court considered the issue of the form of
12 the notice to the class and the substantive content of that notice. Having reviewed the
13 proposed forms of notice, and having heard the argument of counsel, the Court hereby
14 **ORDERS** that notice be given to the class by the following methods by no later than March
15 1, 2006:

16 1. Notice in the form attached as Exhibit A (long form) shall be sent via first
17 class mail and email (if available) to the last known address of all identified members of
18 the following class of persons:

19 All students disabled by mobility impairments enrolled at City College of San
20 Francisco since November 23, 2001, and who seek access to its services,
21 programs and/or activities.

22 2. Notice in the form attached as Exhibit A (long form) shall also be posted on
23 the website of City College of San Francisco at the pages dedicated to the Disabled
24 Students Programs and Services (DSPS).

25 3. Defendants shall also attempt to identify any students registered with the
26 DSPS who have enrolled since the class list was last established in November 2005 and
27 who would qualify for inclusion in the class as certified. If defendants can identify any
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1 additional potential class members currently known to defendants, defendants shall send
2 those students the long form notice attached as Exhibit A to this Notice by March 1, 2006

3 4. Notice in the form attached as Exhibit B (short form) shall be published in the
4 City College of San Francisco campus press, The Guardsman (a bi-weekly publication), on
5 or about March 8, 2006 so that class members who receive notice in this manner have
6 sufficient time to file any objection or comment by March 31, 2006.

7 5. Notice in the form attached as Exhibit B (short form) shall be posted at the
8 following locations by no later than March 1, 2006: the offices of the Disabled Students
9 Program & Services and the office of the Registrar at City College of San Francisco.

10 6. Notice in the form attached as Exhibit A shall be posted on the website of
11 Schneider & Wallace and the Sturdevant Law Firm. Such notice shall also be posted in
12 large print, Chinese, Spanish, and provided to all who so request in Braille.

13 7. Class counsel shall file their motion for reasonable attorneys' fees and costs
14 incurred to date in the above-captioned matter by no later than March 9, 2006.

15 8. Any objections by class members to the proposed Stipulated Judgment must
16 be postmarked or filed with the Court by no later than March 31, 2006.

17 9. If Class Counsel receives comments and/or objections from class members,
18 Class Counsel shall serve Defendants with true and correct copies of those comments
19 and/or objections within 24 hours of Class Counsel's receipt of same. Defendants agree
20 to accept service of the same by facsimile.

21 10. Any response by Plaintiffs or Defendants to any such objections or
22 comments shall be filed with the Court by no later than April 7, 2006 at **NOON**.

23 11. A fairness hearing shall be held on April 13, 2006 at 11:00 a.m.

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25 Dated: February 16, 2006



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27 HON. WILLIAM ALSUP
United States District Judge